

Serial No. 10/798,928  
Filed March 11, 2004  
Page 14 of 17

## **REMARKS**

### **I. Status of the Application**

At the time of the Action, Claims 1-9, 12-16, 18-28, 30-33, 35-37 and 46-50 were pending in the Action. Claims 33, 35-37, and 46-50 have been allowed. Claims 14, 15, 18, 19, 21, 22, 27, 28, 31 and 32 are indicated to be allowable, but are objected to as depending on a rejected base claim. Claims 1-3, 8, 12, 13, 20, 23-26 and 30 stand rejected under Section 102(b). The remaining claims stand rejected under Section 103(a). These rejections are addressed below.

### **II. The Section 102(b) Rejections of Claims 1 and 23**

Claim 1 stands rejected under Section 102(b) as anticipated by U.S. Patent No. 2,788,997 to Wagner et al. (Wagner). The Action states that Wagner discloses:

[a] container 1 comprising a receptacle having side walls, a floor (at the bottom of the aircraft), and an open end; a cover (any of elements 6, 7 and 8) pivotally attached to one of the walls of the receptacle, the cover being movable between an open position, in which the open end of the receptacle can be accessed, and a closed position, in which the cover overlies the open end of the receptacle; as seen in figures 2 and 3, a locking pin (50,51) is mounted on one of the cover and a receptacle wall; and at least one locking system for maintaining the cover in the closed position, the locking system comprising a release member (not shown, but attached to 24) and although not explicitly shown, the release member inherently being attached to the other of the cover and a receptacle wall; a connecting member 23 attached to the release member, and a rotary unit including a base plate 56 having a slot (although not explicitly shown, inherently there is a slot to receive element 50, 51), a rotary member 25 rotatably mounted with the base plate about a first axis of rotation, the rotary member including a plurality of fingers extending radially outwardly from a central portion thereof and an engagement portion being the recessed portions between the fingers fixed to the central portion, and a pawl member 35 pivotally mounted with the base plate about a second axis of rotation and coupled with the connecting member at least during a portion of operation of the device; wherein when

Serial No. 10/798,928  
Filed March 11, 2004  
Page 15 of 17

the cover is in the closed position, the locking pin is received within the slot of the rotary unit base plate and engages one of the fingers of the rotary member, and the pawl member via (30, 31) engages the engagement portion to prevent rotation thereof, and wherein actuation of the release member disengages the pawl member from the engagement portion, thereby enabling the rotary member to rotate freely relative to the base plate, which rotation disengages the locking pin from the rotary member and enables the cover to move to the open position.

The Action at pages 2-4. Based on these findings, the Action concludes that Wagner anticipates Claim 1.

In Applicant's previous paper, Applicant argued that Wagner fails to anticipate the subject matter of Claims 1 and 23 in that these claims recite that the locking pin engages the fingers of the rotary members, and the pawl member engages the engagement portion of the rotary members. The Action had taken the position that the combination of lobes 26 and recesses between the lobes 26 could serve as both the "fingers" and the "engagement portion" recited in Claims 1 and 23. Applicants argued that it is improper for the identical structure to be cited as engaging both the locking pin and the pawl member when Claims 1 and 23 recite them as being distinct structures. In response to Applicant's position, the Action states that:

it is the position of the examiner that nothing in the claim language prevents such an interpretation, allowing for application of the applied art. There is no clearly claimed distinction between applicant's invention and the applied art. Further, such limitations are functional limitations, and the device of the applied art can be broadly interpreted as providing this claimed function.

The Action at page 7. Although Applicant disagrees with this contention, Applicant has amended both Claim 1 and 23 to clarify that the engagement portion and the fingers are distinct structures. Claim 1 has been amended to recite that the engagement portion is axially offset from the fingers along the first axis of rotation.<sup>1</sup> Clearly, if the engagement portion of the rotary

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<sup>1</sup> Support for this recitation can be found, for example, in Figure 10.

Serial No. 10/798,928

Filed March 11, 2004

Page 16 of 17

member is axially offset from the fingers, the engagement portion and the fingers cannot be the same structure. In contrast, the Wagner device has lobes 26 that are coplanar with the central portion of the disk 25. Inasmuch as the Action has characterized the lobes 26 as the "fingers" that engage the locking pin and the recesses between the lobes 26 as the "engagement portion" that engages the pawl member, the Wagner device cannot meet the recitation of Claim 1 that the engagement portion is axially offset from the fingers. Accordingly, Applicant submits that the Section 102(b) rejection of Claim 1 based on Wagner cannot stand, and requests that it be withdrawn.

Regarding Claim 23, Applicant has amended this claim to recite that the engagement portion of the rotary member includes a plurality of teeth, and that the engagement projection of the pawl member engages the teeth. Again, the Wagner device has only lobes 26 that engage both the roller 30 (which the Action cites as analogous to the "engagement projection of the pawl member" recited in Claim 23) and the roller 50. The disk 25 of the Wagner device cannot be characterized as having both "fingers" and "teeth". As such, Applicant respectfully requests that this rejection be withdrawn.

Applicant also submits that both of Claims 1 and 23 define over the art of record under Section 103(a). Because the Wagner device is configured so that the recesses between the lobes 26 receive both rollers 30, 50, there would be no reason to include both fingers to engage the locking pin and an engagement portion that engages the pawl member. Accordingly, it would not have been obvious to one of ordinary skill in this art to conceive a locking system that includes both fingers for engaging a locking pin and a separate engagement portion for engaging the pawl member.

Inasmuch as Claims 1 and 23 are the only pending independent claims that stand rejected in the Action, Applicant submits that all currently pending claims are now allowable.

### **III. Conclusion**

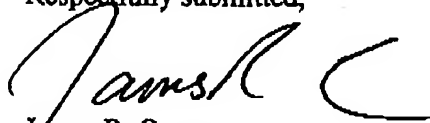
Inasmuch as the points and concerns raised in the Official Action have been addressed in full, Applicant respectfully requests that this application is in condition to pass to issue, which

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Serial No. 10/798,928  
Filed March 11, 2004  
Page 17 of 17

action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.


Respectfully submitted,

  
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Rosa Lee Brinson